

REMARKS/ARGUMENTS

The Applicant hereby thanks the Examiner for the observations in the outstanding Office Action. Responsive to the Office Action mailed April 28, 2009, the Applicant provides the foregoing amendments, notwithstanding the Applicant's belief that the claims would have been allowable as originally filed. Claims 1, 15, 16, 21, and 25 are herein amended to better encompass the present invention. The Applicant respectfully asserts that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). By way of the foregoing amendment, the Applicant has made a diligent effort to place the claims in condition for allowance and, alternatively, in condition for appeal. Thus, reconsideration of the Claims in view of the foregoing amendment and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone Mr. Thomas F. Lebens at (805) 781-2865 so that such issues may be expeditiously resolved.

I. Rejection of Claims 1-27 under 35 U.S.C. § 112, first paragraph

Claims 1-27 stand rejected, under 35 U.S.C. § 112, first paragraph, "as failing to comply with the written description requirement." The Examiner asserts that the terms "new" and "original" in relation to "in-an-out points" are not sufficiently supported by the Specification. The Applicant respectfully traverses this ground for rejection on this basis.

During the June 2, 2009, and May 11, 2009, telephone conferences, the Applicant's Attorney pointed to the Specification (p. 9, ll. 16-21) as evidence to support the previous amendment for "new" and "original" "in-an-out points." The Examiner has acknowledged that, during the June 2, 2009, telephone conference, while the Specification (p. 11, ll. 2-3) discloses that the rating value establishes "in-and-out points," the rating value might inherently establish the "new in-and-out points" in relation to "the original in-and-out points" as disclosed on page 9 of the Specification; however, the Examiner believes that further search and consideration would be warranted. Subsequently, both the Examiner and the Applicant's Attorney acknowledged that

deletion of the terms "original" and "new" would render moot the only outstanding ground for rejection of the Claims in the outstanding Final Office Action.

As such, independent Claims 1, 15, 16, 21, and 25 are herein amended by deleting "original" and "new," by inserting "quantifiable significance corresponding to the" before "plurality of in-and-out points," and by adjusting the antecedent basis accordingly as follows:

1. A method of interactively displaying and rating at least one string of content, comprising:
 - receiving at least one string of content, the at least one string of content receiving step comprising streaming the at least one string of content in real-time for viewing while being captured;
 - separating each at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;
 - creating profile information associated with each segment of the plurality of segments of each at least one string of content;
 - showing the at least one string of content on at least one display device;
 - receiving a vote on each segment of the plurality of segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points; and
 - updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value.
15. A system for interactively displaying and rating at least one string of content, comprising:
 - means for receiving at least one string of content, the at least one string of content streaming in real-time for viewing while being captured;
 - means for separating each at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;
 - means for creating profile information associated with each segment of the plurality of segments of each at least one string of content;
 - means for showing the at least one string of content on at least one display device;
 - means for receiving a vote on each segment of the plurality of segments of the at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, whereby a rating value is provided for establishing a quantifiable significance corresponding to the plurality of in-and-out points; and
 - means for updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value.
16. A method of interactively displaying and rating at least one string of content, comprising the steps of:
 - identifying at least one string of content, the at least one string of content identifying step comprising streaming the at least one string of content in real-time for viewing while being captured;
 - separating the at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;
 - creating profile information associated with each segment of the plurality of segments of the at least one string of content;
 - showing the at least one string of content to a plurality of viewers;
 - receiving a vote on each segment of the plurality of segments of the at least one string of

content from each of the plurality of viewers, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points;

determining a rating value for each segment of the plurality of segments of the at least one string of content based on the vote; and

displaying each segment of the plurality of segments of the at least one string of content to the plurality of viewers based on the rating value of each segment of the plurality of segments of the at least one string of content.

21. A device for interactively displaying and rating at least one string of content, comprising:
a content identification module for detecting at least one string of content and to separate the at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points, the at least one string of content streaming in real-time for viewing while being captured;

a storage module for storing the at least one string of content and a profile information associated with each segment of the plurality of segments of the at least one string of content;

an interface module for receiving the at least one string of content and transmitting the at least one string of content based on the profile information corresponding to each segment of the plurality of segments of the at least one string of content; and

a content rating module for receiving a rating value from a viewer for each segment of the plurality of segments of the at least one string of content, whereby a rating value is provided for establishing a quantifiable significance corresponding to the plurality of in-and-out points, and for updating the profile information associated with each segment of the plurality of segments of the at least one string of content, wherein the rating value reflects the quality of each segment of the plurality of segments of the at least one string of content.

25. A computer-readable medium having computer-executable instructions for performing a method comprising:

identifying at least one string of content, the at least one string of content identifying step comprising streaming the at least one string of content in real-time for viewing while being captured;

separating the at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;

creating profile information associated with each segment of the plurality of segments of the at least one string of content;

showing the at least one string of content to a plurality of viewers;

receiving a vote on each segment of the plurality of segments of the at least one string of content from each of the plurality of viewers, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points;

determining a rating value for each segment of the plurality of segments of the at least one string of content based on the vote; and

displaying each segment of the plurality of segments of the at least one string of content to the plurality of viewers based on the rating value of each segment of the plurality of segments of the at least one string of content.

Consequently, Claims 2-14, 17-20, and 22-24 now subsume the limitations of their respective base claims by dependency. Thus, the Applicant respectfully submits that herein amended Claims 1-27 are believed to overcome this ground for rejection. Therefore, the Applicant respectfully requests that the ground for rejection on this basis is withdrawn and that

Claims 1-27 are passed to allowance in due course.

II. Previous Rejection of Claims 1-6 and 8-15 under 35 U.S.C. § 103(a)

Claims 1-6 and 8-15 have been previously rejected, under 35 U.S.C. § 103(a), as being unpatentable over Franken et al. (US 7028323), in view of Zilliacus (US 2004/0005900), in the October 29, 2008, Office Action. The Applicant respectfully traverses this ground for rejection on this basis.

With respect to the cited reference, Franken et al. merely discloses a system that rates “rerun programming in other than real time,” storing the rerun programming in separate smaller files for delivery in its entirety to the viewer, but does not actually disclose or imply segmenting each item of rerun programming (Abstract; col. 4, ll. 16-30; col. 5, ll. 20-28). Zilliacus merely discloses a method for ranking programming by voting, but does not actually disclose or imply segmenting each item of rerun programming (Fig. 6; Para. 27).

In contrast to Franken, even in view of Zilliacus, the present invention involves the following salient features, *inter alia*: **interactively displaying and rating** at least one string of content, **streaming** the at least one string of content **in real-time**, **separating each** at least one **string of content into a plurality of segments having a corresponding plurality of in-and-out points**, receiving a vote on each segment of the plurality of segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, thereby **providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points**, and **updating the profile information** associated with each segment of the plurality of segments of each at least one string of content **to reflect the vote using the rating value**.

As such, the Applicant respectfully submits that Franken et al., even in view of Zilliacus, does not teach, suggest, motivate, or otherwise obviate the combination of elements and limitations as respectively recited in herein amended independent Claims 1 and 15 of the present

application:

1. A method of interactively displaying and rating at least one string of content, comprising:

receiving at least one string of content, the at least one string of content receiving step comprising streaming the at least one string of content in real-time for viewing while being captured;

separating each at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;

creating profile information associated with each segment of the plurality of segments of each at least one string of content;

showing the at least one string of content on at least one display device;

receiving a vote on each segment of the plurality of segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points; and

updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value. [Emphasis added.]

15. A system for interactively displaying and rating at least one string of content, comprising:

means for receiving at least one string of content, the at least one string of content streaming in real-time for viewing while being captured;

means for separating each at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;

means for creating profile information associated with each segment of the plurality of segments of each at least one string of content;

means for showing the at least one string of content on at least one display device;

means for receiving a vote on each segment of the plurality of segments of the at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, whereby a rating value is provided for establishing a quantifiable significance corresponding to the plurality of in-and-out points; and

means for updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value. [Emphasis added.]

Consequently, Claims 2-6 and 8-14 subsume the foregoing limitations of their respective base claims by dependency. Thus, the Applicant respectfully submits that Claims 1-6 and 8-15 have not been taught, suggested, motivated, or otherwise obviated in any other manner by the cited art. Therefore, the Applicant respectfully requests that the previous ground for rejection on this basis is withdrawn and that Claims 1-6 and 8-15 are passed to allowance in due course.

III. Previous Rejection of Claims 7, 16, 17, 20-26, and 28 under 35 U.S.C. § 103(a)

Claims 7, 16, 17, 20-26, and 28 have been previously rejected, under 35 U.S.C. § 103(a), as being unpatentable over Franken et al. (US 7028323), in view of Zilliacus (US 2004/0005900), and in further view of Peliotis (US 2002/0065678), in the October 29, 2008, Office Action. The Applicant respectfully traverses this ground for rejection on this basis.

With respect to the cited reference, Franken et al. merely discloses a system that rates “rerun programming in other than real time,” storing the rerun programming in separate smaller files for delivery in its entirety to the viewer, but does not actually disclose or imply segmenting each item of rerun programming (Abstract; col. 4, ll. 16-30; col. 5, ll. 20-28). Zilliacus merely discloses a method for ranking programming by voting, but also does not segment each item of programming (Fig. 6; Para. 27). Peliotis merely discloses segmenting a video program by generating markers and tags to define each segment, but does not disclose or imply segmenting a video program and “establishing a quantifiable significance corresponding to the plurality of in-and-out points” by way of a “rating value” as a result of voter input within any given segment (Abstract; Fig. 1; Para. 23). Peliotis further discloses that the markers and tags are fed to the filter/comparator along with, but not as a result of, the user preferences (Fig. 2).

In contrast to Franken, even in view of Zilliacus, and even in further view of Peliotis, the present invention involves the following salient features, *inter alia*: **interactively displaying and rating** at least one string of content, **streaming** the at least one string of content **in real-time**, **separating each** at least one **string of content into a plurality of segments having a corresponding plurality of in-and-out points**, receiving a vote on each segment of the plurality of segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, thereby **providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points**, and **updating the profile information** associated with each segment of the plurality of segments of each at least one string of content **to reflect the vote using the rating value**.

As such, the Applicant respectfully submits that Franken et al., even in view of Zilliacus, and even in further view of Peliotis, does not teach, suggest, motivate, or otherwise obviate the combination of elements and limitations as respectively recited in herein amended independent Claims 1, 15, 16, 21, and 25 of the present application:

1. A method of interactively displaying and rating at least one string of content, comprising:

receiving at least one string of content, the at least one string of content receiving step comprising streaming the at least one string of content in real-time for viewing while being captured;

separating each at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;

creating profile information associated with each segment of the plurality of segments of each at least one string of content;

showing the at least one string of content on at least one display device;

receiving a vote on each segment of the plurality of segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points; and

updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value. [Emphasis added.]

15. A system for interactively displaying and rating at least one string of content, comprising:

means for receiving at least one string of content, the at least one string of content streaming in real-time for viewing while being captured;

means for separating each at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;

means for creating profile information associated with each segment of the plurality of segments of each at least one string of content;

means for showing the at least one string of content on at least one display device;

means for receiving a vote on each segment of the plurality of segments of the at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, whereby a rating value is provided for establishing a quantifiable significance corresponding to the plurality of in-and-out points; and

means for updating the profile information associated with each segment of the plurality of segments of each at least one string of content to reflect the vote using the rating value. [Emphasis added.]

16. A method of interactively displaying and rating at least one string of content, comprising the steps of:

identifying at least one string of content, the at least one string of content identifying step comprising streaming the at least one string of content in real-time for viewing while being captured;

separating the at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;

creating profile information associated with each segment of the plurality of segments of the at least one string of content;

showing the at least one string of content to a plurality of viewers;
receiving a vote on each segment of the plurality of segments of the at least one string of content from each of the plurality of viewers, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points;
determining a rating value for each segment of the plurality of segments of the at least one string of content based on the vote; and
displaying each segment of the plurality of segments of the at least one string of content to the plurality of viewers based on the rating value of each segment of the plurality of segments of the at least one string of content. [Emphasis added.]

21. A device for interactively displaying and rating at least one string of content, comprising:

a content identification module for detecting at least one string of content and to separate the at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points, the at least one string of content streaming in real-time for viewing while being captured;

a storage module for storing the at least one string of content and a profile information associated with each segment of the plurality of segments of the at least one string of content;

an interface module for receiving the at least one string of content and transmitting the at least one string of content based on the profile information corresponding to each segment of the plurality of segments of the at least one string of content; and

a content rating module for receiving a rating value from a viewer for each segment of the plurality of segments of the at least one string of content, whereby a rating value is provided for establishing a quantifiable significance corresponding to the plurality of in-and-out points, and for updating the profile information associated with each segment of the plurality of segments of the at least one string of content, wherein the rating value reflects the quality of each segment of the plurality of segments of the at least one string of content. [Emphasis added.]

25. A computer-readable medium having computer-executable instructions for performing a method comprising:

identifying at least one string of content, the at least one string of content identifying step comprising streaming the at least one string of content in real-time for viewing while being captured;

separating the at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;

creating profile information associated with each segment of the plurality of segments of the at least one string of content;

showing the at least one string of content to a plurality of viewers;

receiving a vote on each segment of the plurality of segments of the at least one string of content from each of the plurality of viewers, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points;

determining a rating value for each segment of the plurality of segments of the at least one string of content based on the vote for establishing the plurality of in-and-out points; and

displaying each segment of the plurality of segments of the at least one string of content to the plurality of viewers based on the rating value of each segment of the plurality of segments of the at least one string of content. [Emphasis added.]

Consequently, Claims 7, 17, 20, 22-24, 26, and 28 subsume the foregoing limitations of their respective base claims by dependency. Thus, the Applicant respectfully submits that Claims 7, 16, 17, 20-26, and 28 have not been taught, suggested, motivated, or obviated in any other manner by the cited art. Therefore, the Applicant respectfully requests that the previous ground for rejection on this basis is withdrawn and that Claims 7, 16, 17, 20-26, and 28 are passed to allowance in due course.

IV. Previous Rejection of Claim 18 under 35 U.S.C. § 103(a)

Claims 7, 16, 17, 20-26, and 28 have been previously rejected, under 35 U.S.C. § 103(a), as being unpatentable over Franken et al. (US 7028323), in view of Zilliacus (US 2004/0005900), and in further view of Lautzenheiser et al. (US 7054827), in the October 29, 2008, Office Action. The Applicant respectfully traverses this ground for rejection on this basis.

With respect to the cited references, Franken et al. merely discloses a system that rates “rerun programming in other than real time,” storing the rerun programming in separate smaller files for delivery in its entirety to the viewer, but does not actually segment each item of rerun programming (Abstract; col. 4, ll. 16-30; col. 5, ll. 20-28). Zilliacus merely discloses a method for ranking programming by voting, but also does not segment each item of programming (Fig. 6; Para. 27). Lautzenheiser et al. merely discloses a method and apparatus for validating a survey database, but does not disclose or imply segmenting a video program by “establishing a quantifiable significance corresponding to the plurality of in-and-out points” by way of a “rating value” as a result of voter input within any given segment (Abstract; Figs. 41-46; Figs. 49-55; col. 29, l. 51 – col. 31, l. 7; col. 32, l. 61 – col. 34, l. 50).

In contrast to Franken, even in view of Zilliacus, and even in further view of Lautzenheiser, the present invention involves the following salient features, *inter alia*: **interactively displaying and rating** at least one string of content, **streaming** the at least one string of content **in real-time**, **separating each** at least one **string of content into a plurality of segments having a corresponding plurality of in-and-out points**, receiving a vote on each

segment of the plurality of segments of each at least one string of content, wherein the vote reflects the quality of each segment of the plurality of segments of each at least one string of content, thereby **providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points**, and **updating the profile information** associated with each segment of the plurality of segments of each at least one string of content to **reflect the vote using the rating value**.

As such, the Applicant respectfully submits that Franken et al., even in view of Zilliacus, and even in further view of Lautzenheiser, does not teach, suggest, motivate, or otherwise obviate the combination of elements and limitations as respectively recited in herein amended independent Claim 16 and dependent Claim 18 of the present application:

16. A method of interactively displaying and rating at least one string of content, comprising the steps of:
- identifying at least one string of content, the at least one string of content identifying step comprising **streaming the at least one string of content in real-time** for viewing while being captured;
 - separating the at least one string of content into a plurality of segments having a corresponding plurality of in-and-out points;**
 - creating profile information associated with each segment of the plurality of segments of the at least one string of content;
 - showing the at least one string of content to a plurality of viewers;
 - receiving a vote on each segment of the plurality of segments of the at least one string of content from each of the plurality of viewers, wherein the vote reflects the quality of each segment of the plurality of segments of the at least one string of content, thereby providing a rating value for establishing a quantifiable significance corresponding to the plurality of in-and-out points;**
 - determining a rating value for each segment of the plurality of segments of the at least one string of content based on the vote; and**
 - displaying each segment of the plurality of segments of the at least one string of content to the plurality of viewers based on the rating value of each segment of the plurality of segments of the at least one string of content.** [Emphasis added.]
18. The method according to Claim 16, further comprising:
- checking for a number of viewers submitting the vote; and
 - determining a rating value based on a plurality of votes received from the number of viewers.**
- [Emphasis added.]

Consequently, Claim 18 subsumes the foregoing limitations of its base claim by dependency. Thus, the Applicant respectfully submits that Claim 18 has not been taught, suggested, motivated, or obviated in any other manner by the cited art. Therefore, the Applicant respectfully requests that the previous ground for rejection of Claim 18 on this basis is withdrawn and that Claim 18 is passed to allowance in due course.

CONCLUSION

Accordingly, Claims 1, 15, 16, 21, and 25 have been herein amended to better encompass the present invention. The Applicant respectfully reasserts that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). By way of the foregoing amendment, the Applicant believes that the Claims are in condition for allowance and are, alternatively, in condition for appeal. Thus, reconsideration of the Claims in view of the foregoing amendment and remarks is respectfully requested. However, should any remaining issues be outstanding, the Applicant respectfully reiterates the invitation to telephone Mr. Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible. In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 06-1135 accordingly.

Respectfully submitted,

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